

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jerry Gordon,)	C/A No.: 1:10-3046-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Mrs. Fishburn and Ms. Thomas,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, filed this case, which is construed as alleging violations of 42 U.S.C. § 1983, alleging violations of his constitutional rights. Before the court is Defendants' Motion for Summary Judgment filed August 15, 2011. [Entry #55]. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(d) (D.S.C.). Because this is a dispositive motion, this report and recommendation is entered for review by the district judge.

As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on August 15, 2011, advising him of the importance of a motion to dismiss and of the need for him to file an adequate response. [Entry #57]. The *Roseboro* order was returned as undeliverable to the Clerk of Court's office via United States Postal Service on August 24, 2011. [Entry #60]. Plaintiff was previously directed by order of this court to keep the court apprised of any change in address:

You are ordered to always keep the Clerk of Court advised **in writing (Post Office Box 2317, Florence, South Carolina 29503)** if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, **your case may be dismissed for violating this Order.** Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Clerk of Court with the docket numbers of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

Put this Order with your own record of this case so that you will not overlook your duty.

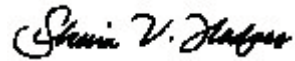
If your address changes in the future, you must provide the court with your *own* new address.

[Entry #11] (emphasis in original). No response has been filed by Plaintiff to Defendants' motion for summary judgment, and Plaintiff has not notified the court of a change of address.¹ Plaintiff has failed to comply with the court's order, and as a result, neither the court nor the Defendants have any means of contacting him concerning his case.

Based on the foregoing, it is recommended that this action be dismissed with prejudice, in accordance with Fed. R. Civ. P. 41(b). The Clerk is directed to send this Report and Recommendation to Plaintiff at his last known address.

¹ It appears that Plaintiff is no longer in SCDC custody, as a search of incarcerated inmates matching Plaintiff's name or SCDC ID search yields no results. *See* Incarcerated Inmate Search, <https://sword.doc.state.sc.us/scdc-public/>.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

August 24, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**